



**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

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Certified Mail - Return Receipt Requested # 70151730000195100006

March 10, 2016

Amber Riley, Director
Discovery Zone Learning Center, Inc.
1593 Lawton Trail
Germantown, TN 38138

**RE: Notice of Termination and Disqualification of Child and Adult Care Food Program
Agreement Number 03-47-70685-00-2**

Dear Ms. Riley:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Discovery Zone Learning Center, Inc. and Amber Riley, Director (collectively, "Institution"). The grounds for this action are the Institution's failure to permanently correct the serious safety violation. The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to permanently correct the serious safety violation. On February 11, 2016, the Department of Human Services ("Department") sent you a Suspension, Serious Deficiency Notice, Notice of Proposed Termination and Disqualification for the Child and Adult Care Food Program due to a safety violation. This notice outlined the following: On Wednesday, December 9, 2015, the Tennessee Department of Human Service's Child Care Licensing Division issued a suspension of your Institution's Child Care License due to inadequate child care supervision and staffing. Due to this safety violation, your Institution is immediately suspended and will remain suspended unless your Institution's child care license's suspension is rescinded. The CACFP regulations at 7 C.F.R. 226.6(i) states: "Public health or safety—(A) General. If State or local health or licensing officials have cited an institution for serious health or safety violations, the State agency must immediately suspend the

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institution's Program participation, initiate action to terminate the institution's agreement, and initiate action to disqualify the institution and the responsible principals and responsible individuals prior to any formal action to revoke the institution's licensure or approval. If the State agency determines that there is an imminent threat to the health or safety of participants at an institution, or that the institution has engaged in activities that threaten the public health or safety, the State agency must immediately notify the appropriate State or local licensing and health authorities and take action that is consistent with the recommendations and requirements of those authorities. An imminent threat to the health or safety of participants and engaging in activities that threaten the public health or safety constitute serious deficiencies; however, the State agency must use the procedures in this paragraph (c)(5)(i) (instead of the procedures in paragraph (c)(3) of this section) to provide the institution notice of the suspension of participation, serious deficiency, proposed termination of the institution's agreement, and proposed disqualification of the responsible principals and responsible individuals." As a result, your Institution is immediately suspended and will remain suspended unless your Institution's child care license's suspension is rescinded.

This failure resulted in the Department determining that the Institution and the Director are seriously deficient in their operation of the CACFP. The Institution has not permanently corrected the serious safety violation. Accordingly, the Department determined that the Institution and the Director have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to permanently correct the serious safety violation the Department is terminating the Child and Adult Care Food Program ("CACFP") agreement with Discovery Zone Learning Center, Inc. The Institution did not appeal the Notice of Proposed Termination. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and Discovery Zone Learning Center, Inc. and the Director are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid in accordance with 7 C.F.R. § 226.14(a). For information about applied interest rates please visit the following website:

http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Mamawah Hill at (615) 313-5451.

Amber Riley, Director
Discovery Zone Learning Center, Inc.
March 10, 2016

Sincerely,

Raquel Hatter (2)

Raquel Hatter, MSW, Ed.D.
Commissioner
MH/ba